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10/740,074	12/17/2003	Eric Thomas Gohr	08CL5989-7	1405

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/740,074
Filing Date: December 17, 2003
Appellant(s): GOHR ET AL.

David E. Rodrigues
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/10/06 appealing from the Office action mailed 11/21/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,130,530	Mark et al.	12-1978
5,041,479	Ogoe	8-1991
5,449,710	Umeda et al.	9-1995

5,663,280	Ogoe et al.	9-1997
6,353,046	Rosenquist e al.	3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9 and 21-29 are rejected under 35 U.S.C. 103(a) s being unpatentable over Umeda et al. 5,449,710, in view of Rosenquist et al. 6,353,046 or Mark et al. 4,130,530, further in view of Ogoe et al. 5,663,280 or Ogoe 5,041,479.

Umeda et al. disclose polycarbonate, alkali metal salt or perfluoroalkanesulfonic acid and organopolysiloxane in the Abstract, list the metal salts from column 6, line 50, to column 7, line 6, and show cyclic polysiloxane in column 7, lines 7-20. Rosenquist et al. teach polycarbonate, perfluoroalkane sulfonate and octaphenylcyclotetrasiloxane in the Abstract, potassium diphenylsulfone sulfonate in column 1, lines 35-36. For concentrations see claim 2. Mark et al. recite polycarbonate and cyclic siloxanes in claims 1-6. Ogoe et al. ('280) reveal masterbatching alkali metal salts or perfluoroalkanesulfonic acid in Examples 20-27. Ogoe ('479) displays masterbatching polycarbonate and additives in the Abstract and from column 1, line 53 to column 2, line 17. It would have been obvious to one having ordinary skill in the art; at the time the invention was made, to masterbatch the polycarbonate and the salts for optimum dispersion of the flame-retardants and to use the siloxanes of the secondary references in order to improve the flame-retardance and eliminate the brittleness upon molding.

(10) Response to Argument

The advantages of masterbatching an additive in order to achieve better dispersion in a matrix, are well known. Additionally, Ogoe ('479) states that said masterbatching process, when polycarbonate and salts of perfluoroalkanesulfonic acid are used, results

in improved impact properties as measured by Izod impact tests and it eliminates dust particles. See Abstract and column 2, lines 10-17. The masterbatch can be compounded with other additives. See column 3, lines 53-59. Ogoe et al. ('280), who describe the polycarbonate/salt masterbatch in Examples 20-27, specifically, include silicones as possible additives in column 12, lines 19 and 21. From these fats it is perfectly clear that using the polycarbonate/ flame-retardant salt masterbatch of the Ogoe patents in the polycarbonate, flame-retardant salt, cyclic polysiloxane composition of Umeda et al. is obvious and desirable. The so-called IR concentrate of the ('479) patent is a masterbatch too. Accordingly, claims 1-6, 21-27 and 29 should be rejected without even considering the Rosenquist et al and the Mark et al. patents. Rosenquist et al. recite polycarbonate, cyclic siloxane and perfluoroalkane sulfonate, while Mark et al. describe a blend of cyclic siloxane and polycarbonate. Admittedly, the cyclic siloxanes of the secondary references do not have an organosilyl group bonded to a silicon atom through a divalent hydrocarbon group, but Rosenquist et al. make it clear in the Abstract and column 2, lines 3-61, that the exemplified polysiloxanes are only preferred embodiments. The Abstract of Mark et al. embraces all cyclic polysiloxanes also. The Declarations of Dr. Singh have no probative value since they do not compare the masterbatched composition against the non-masterbatched composition.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peter Szekely

Primary Examiner

Art Unit 1714

Conferees:

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